

H.A

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/743,666	NORRIS, CARROLL BOYD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allyson N Trail	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Terminal Disclaimer filed 12/21/2004.
2.  The allowed claim(s) is/are 1-33.
3.  The drawings filed on 22 December 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continuing Data***

1. This application is continuation of U.S. Application No. 09/498,140, filed February 4, 2000, which is now U.S. patent 6,695,207.

### ***Remarks***

2. The previous Office Action indicated claims 1-10 and 12-29 to be rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 10-22 of U.S. Patent No. 6,695,207. It was also indicated that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) could be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. The current response included a timely filed terminal disclaimer in compliance with 37 CFR 1.231(c). Therefore claims 1-10 and 12-29 are allowable over the prior art of record.

### ***Allowable Subject Matter***

3. Claims 1-10 and 12-29 are allowable over the prior art of record.

4. The following is an Examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fail to teach or fairly suggest the apparatus for allowing only an authorized person to activate an instrumentality capable of performing action desired by a person who is the user of the apparatus. The claimed apparatus comprises a Personalized Authenticated Controller means (PAC), which communicates with the instrumentality, and used for authenticating the identity of the user as the

authorized person and for allowing activation of the instrumentality only by the authorized person for performance of the action. The PAC specifically comprises user information input means, for allowing input of information into the PAC, a data storage means, for storing data received by the PAC, and a PAC microprocessor means, which communicates with all PAC components, and is used for transferring and formatting data. The PAC microprocessor means further comprises an authorized person identification means, which communicates with the data storage means, for continually determining whether the user is the authorized person. This is done through analysis of the most recently received data identifying the user and through comparison of the same with reference data identifying the authorized person, and for providing for output from the PAC, of an authorized person identity authentication signal, if and only if the user is the authorized person. The microprocessor further includes a communication means, which allow for communication between the PAC and the instrumentality. A portion of the instrumentality comprises an authorized person recognition means. The recognition means communicates with the PAC and allows for the instrumentality to carry out the action sought by the user only upon receipt by the authorized person recognition means, of the authorized person identity authentication signal. The combination of all of the limitations discussed above are not disclosed in prior art, and moreover, one of ordinary skill in the art would not be motivated to come up with the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[allyson.trail@uspto.gov]**.

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
January 21, 2005



KARL D. FRECH  
PRIMARY EXAMINER